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 9 US AIRWAYS, INC.

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UNITED STATES DISTRICT COURT  
 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 SAN JOSE DIVISION – ECF PROGRAM

10 JEANNE LOVELESS,  
 11 Plaintiff,  
 12 v.  
 13 U.S. AIRWAYS, INC.,  
 14 Defendants.

CASE NO. C-08-02444 JW

STIPULATION AND [PROPOSED] ORDER FOR CONTINUANCE OF DATES IN 12/10/08 SCHEDULING ORDER

10  
 11 It is hereby stipulated and agreed by and between all parties and their attorneys of record  
 12 that the dates set forth in the Court's **December 10, 2008 Scheduling Order** be continued as  
 13 follows:

	<u>Original Date</u>	<u>Proposed Date</u>
22 Preliminary Pre-Trial Conference Statements <i>(Due 10 days before conference)</i>	April 24, 2009	September 21, 2009
24 Preliminary Pre-Trial Conference <i>(30 days before the Close of All Discovery)</i>	May 4, 2009	August 31, 2009
26 L/D for Hearing Dispositive Motions <i>(60 days before the Close of All Discovery)</i>	August 3, 2009	July 31, 2009
28 Close of All Discovery	June 1, 2009	October 1, 2009

Kenney  
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 Markowitz  
 L.L.P.

1 There are very compelling reasons for the requested continuance:

2 1. Plaintiff did not provide US Airways with its full initial disclosures until March 13,  
3 2009.

4 2. The parties are set to participate in Mediation with Court-Appointed mediator  
5 Jamie L. Dupree on **April 29, 2009**.

6 3. The parties are participating in the Mediation in good faith and are holding off on  
7 initiating formal discovery, including the noticing of plaintiff's deposition, until it  
8 is determined whether an early resolution of this matter is possible.

9 4. If an early resolution of this matter does not occur at the Mediation, the parties will  
10 need until October 1, 2009, to complete all discovery, as this case involves two  
11 incidents and two sets of US Airways flight crew located across the country, in  
12 addition to multiple health care providers. Further, this case will require significant  
13 expert discovery.

14

15 **SO STIPULATED.**

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17 DATED: April 15, 2009

18 **LAW OFFICES OF DEMARTINI &  
19 LODGE**

20 By: /s/ Aaron Lodge  
21 AARON LODGE  
22 Attorneys for Plaintiff  
23 JEANNE LOVELESS

24 DATED: April 15, 2009

25 **KENNEY & MARKOWITZ L.L.P**

26 By: /s/ Jennifer M. Joaquin  
27 STEPHAN E. KYLE  
28 JENNIFER M. JOAQUIN  
Attorneys for Defendant  
US AIRWAYS, INC.

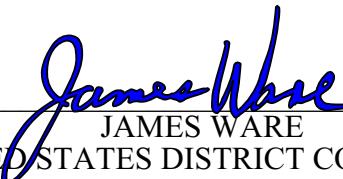
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Markowitz  
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1       **\*\*\* ORDER \*\*\***

2                   Based on the parties' representation, the Court finds good cause to modify the Court's  
 3 December 10, 2008 Scheduling Order. However, the Court finds that the 120 day extension  
 4 proposed by the parties excessive and thus modifies the schedule as follows:

	<u>Original Date</u>	<u>Modified Date</u>
6                   Preliminary Pre-Trial Conference	April 24, 2009	<b>June 26, 2009</b>
7                   Statements <i>(Due 10 days before conference)</i>		
9                   Preliminary Pre-Trial Conference	May 4, 2009	<b>July 6, 2009 at 11 a.m.</b>
10 <i>(30 days before the Close of All Discovery)</i>		
11                  L/D for Hearing Dispositive Motions	August 3, 2009	<b>September 14, 2009 at 9 a.m.</b>
12 <i>(60 days before the Close of All Discovery)</i>		
13                  Close of All Discovery	June 1, 2009	<b>August 7, 2009</b>
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15                  Dated: April 28, 2009

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 18                  JAMES WARE  
 19                  UNITED STATES DISTRICT COURT JUDGE

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